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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,871	12/31/2001	Yukio Iino	217543US0CONT	4043

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ALEXANDRIA, VA 22314

EXAMINER

PATEL, SUDHAKER B

ART UNIT	PAPER NUMBER
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1624

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,871

Applicant(s)

IINO ET AL.

Examiner

Sudhaker B. Patel, D.Sc.Tech.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-11,14-20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9/4/2003.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Applicants' communication paper dated 11/21/03 is acknowledged. Applicants have cancelled claims 2,3, and amended claims 1,4-20.

Priority

1. Applicants' remarks and arguments have been considered favorably, and found persuasive for their priority claim as claimed.
2. **Restriction/election:** Applicants' request for examining this application as a single piece has been reconsidered. Since, the additional search for variable A = other than pyridine did not involve burden to examiner, the same was included for further examination and search.

Since all claims and subject matter previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, the restriction requirement made in Office action mailed on 5/21/2003, is hereby withdrawn.

Claim Objections

2. Claims 12, 13 are objected to because of the following informalities: The claims are recites as dependent on cancelled claim 3. Appropriate correction is required.
3. **Rejections withdrawn:**
 - 4.1. Applicants' amendments as stated earlier to claims and their remarks & arguments are sufficient for the withdrawal of rejections made under 35 U.S.C. 112 paragraph second. Therefore, the same are now withdrawn for claims 1-11,14-20.
 - 4.2. Applicants' clarification regarding the filing date of instant Application No. PCT/JP00/04298 ,corresponding to WO 0102359 filed on 6/29/2000 has been reviewed and considered favorably. The ref. art. Luzzio et al was published on 12/13/2001.

Art Unit: 1624

Therefore, the rejections made for claims 1,2,18-20 under 35 U.S. 102(a) over Luzzio et al are now withdrawn.

4.3. Applicants have amended claims 1,4-20 to add clarity to their claims for the compounds, and also to point out the subject matter exactly claimed. Therefore, the rejections for claims 1, 2,18-20 made under 35 U.S.C. 102(b) over Arcamone et al are now withdrawn. The prior art compounds are different than the instantly claimed invention.

Information Disclosure Statement

4. The information disclosure statement filed on 9/4/2003 has been considered by Examiner, and a signed copy of PTO Form 1449 is enclosed with this communication for applicants' record.

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: Claims 1,4-11,14-20 are allowed. The closest prior art ref. of record Arcamone et al teaches compounds with cycloalkyl groups. The reference differ from the instant compounds by not specifically claiming dimethyl as well as dichloro cyclopropyl derivatives.

6. Therefore, the instant invention consisting of alkyl as well as halogen substituted cyclopropyl core are deemed to be novel and patentably distinct.

Art Unit: 1624

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker B. Patel, D.Sc.Tech. whose telephone number is 703 308 4709. The examiner can normally be reached on 6:30 to 5:00 pm (Monday-Thursday).

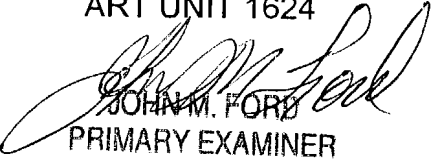
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mukund J. Shah can be reached on 703 308 4716 or Sr. Examiner Mr. Richard Raymond at (703) 308 4523.

The fax phone numbers for the organization where this application or proceeding is assigned are 703 308 4556 for regular communications and 703 308 4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235.


Sudhaker B. Patel, D.Sc.Tech.
December 23, 2004.


MUKUND SHAH
SUPERVISORY PATENT
EXAMINER
ART UNIT 1624


JOHN M. FORD
PRIMARY EXAMINER
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